

Subj: **Email for Morganelli**
 Date: 10/3/2007 1:56:55 PM Eastern Daylight Time
 From: **BOhare5948**
 To: **MareskiTB**

Mary, Below is a copy of the email I sent to JM on 5/21/07 re the Monahan mailers.

John,

Thanks for sitting down with me last week. I appreciate your time and courtesy. The election code exists to further the right of people to run for office and voters to elect candidates of their choice. The anonymous hate mail in Monahan's case is completely contrary to both those principles.

You've acknowledged Severson is behind those mailers. I don't know whether you've discussed this with him, or whether you arrived at that determination independently. *"I don't have to talk to [bulk mail permit holder] Pat Vulcano. I know who sent those mailers. It was Severson."*

As you also know, Severson is a repeat offender. He has done this kind of malicious mailing for years, hurting both Dems and Rs. Because the mainstream media is reluctant to cover election squabbles, he has acted with impunity. But his latest mailings violate several sections of the Elections Code.

Section 3246(G) provides independent expenditures in excess of \$100 are subject to the same reporting requirements as with any candidate or political committee. Severson has filed no report, but may argue the expenditure was made after April 30. In that case, it does not have to be reported until the post election report. I suspect there will be no report of this independent expenditure.

Section 3248 requires that when more than \$500 is spent after the final pre-election reporting period, the independent expenditures must be reported in 24 hours. A mailing to Dems and Rs in the Easton magisterial district necessarily involves more than \$500. You have the resources to make that determination, and every second of delay makes records retrieval more difficult.

Section 3258(A) requires disclosure for all mailings, ads, etc., that are governed by reports. It is no ban on anonymous speech. It simply requires identification of the person who pays for anonymous speech when more than \$100 is spent.

You use an old AG letter to refuse to investigate any of the possible violations mentioned. That opinion dealt with an inadvertent violation when Fisher was AG. Fischer has no authority to bind future AGs. Moreover, the Ohio case relied on dealt with a statute that banned **all** anonymous speech. Pa.'s statute has a \$100 threshold, and only requires identification of the party who pays for the speech. They're different statutes. Moreover, under Fischer's reasoning, there's no reason for a disclaimer on any campaign ad. In fact, the logical conclusion is that no candidate should file any campaign finance report at all. To do so would reveal who is paying for them to send their message.

You've agreed to ask the AG to review Fisher's opinion and to step aside from any investigation. I intend this week to ask the AG to look into this matter.

This kind of mudslinging interferes with the democratic process, and I ask you to forward my concerns to the AG with your letter seeking an advisory opinion.

Take care. - Bernie

Bernie O'Hare
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